



Comprehensive Plan & Master Land Use Plan Amendment Application

- I. The filing deadline will be Friday, _____, 20____, before 5:00 p.m. Please submit this application to the City of Fort Smith Planning Department, 623 Garrison Avenue, Room 331.
- II. There will be a study meeting of the Planning Commission on Tuesday, _____, 20____, at 11:30 a.m. at the Creekmore Park Community Center. The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants to attend the meeting to represent their application.
- III. The Planning Commission meeting will be Tuesday, _____, 20____, at 5:30 p.m. in the Rose Room of the Creekmore Park Community Center. The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants to attend the meeting to represent their application.
- IV. A processing fee of \$350.00 (*\$100.00 when submitted with a rezoning application*) shall accompany this application to cover the administrative costs of advertising the public notice and notifying neighboring property owners. **This fee is Non-Refundable.**

TEN DAYS PRIOR TO THE PLANNING COMMISSION MEETING, THE PLANNING DEPARTMENT STAFF WILL POST SIGNS, LIKE THE ONE SHOWN BELOW, AT THE SUBJECT SITE. PLEASE LEAVE THE SIGN IN PLACE UNTIL REMOVED BY THE PLANNING DEPARTMENT STAFF. WE WILL REMOVE THE SIGNS THE DAY FOLLOWING THE PLANNING COMMISSION MEETING OR SOON THEREAFTER.

A rectangular sign with a black border and a light brown background. It contains the following text:

NOTICE
AMENDMENT TO THE MASTER LAND USE PLAN
HEARING FOR THIS PROPERTY
MEETING WILL BE HELD ON THE DATE AND AT THE LOCATION LISTED BELOW
DATE:
LOCATION: CREEKMORE PARK COMMUNITY CENTER
3301 SOUTH "M" STREET
FROM:
TO:
For Information Contact City of Fort Smith
Planning Department. (479) 784-2216
Any person removing or tampering with this sign shall be deemed guilty of a misdemeanor and shall be subject to the penalties set forth in Section 1-9 of the Fort Smith Code of Ordinances.

Application Type

☐ Minor Amendment ☐ Standard Amendment ☐ Major Amendment

(See Section 27-328-5 C. (Criteria))

Request to Amend Map ☐ Request to Amend Text ☐

Applicant Name:		
Firm Name:		
Address:		
Phone # (day):	Phone # (cell):	Fax #:
Owner Name:		
Owner Address:		
Phone # (day):	Phone # (cell):	Fax #:
Property Address (subject property):		
Subject Property		
Current Land Use:		
Existing MLUP Classification:		
Proposed MLUP Classification:		
Existing Zoning Classification:		
Proposed Zoning Classification:		
Surrounding Property		
Current Land Use: north-		
south-		
east-		
west-		
Existing MLUP Classification: north:		
south:		
east:		
west:		
Existing Zoning Classification: north:		
south:		
east:		
west:		
Pre-Application Meeting Date:		

For a Minor, Standard or Major Master Land Use Plan Amendment, please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

1. A legal description of the subject property that is to be amended (reclassified).
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.
3. The area dimensions of the property in square feet or acres.
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

7. Identify any known or anticipated environmental concerns:

For a Standard or Major Master Land Use Plan Amendment only, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

- a. Describe potential changes to development patterns in terms of local and regional impacts:

- b. Describe the consistency in zoning between existing and planned uses:

- c. Provide explanation of the need for and demand in the proposed uses:

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

For a Comprehensive Plan-Text Amendment only, please attach the following information. Provide answers on a separate sheet and attach it to this application:

1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as “track changes”) format.
2. A description of the reasons supporting the amendment and the special circumstances requiring the change:

"

Authorization of Agent

"

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize _____ to act as our agent in the matter. (Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

This form is necessary only when the person representing this request does not own all property.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location_____

Meeting Time & Date_____

Meeting Purpose_____

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____

Certification

Once an application has been deemed complete, the applicant shall not modify it unless requested or agreed upon by the Planning Department. Should the applicant request a modification to the application after it has been advertised for public hearing, it shall be at the discretion of the Planning Commission to review or continue the application. A re-advertising fee may be required.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

Signature (Agent/Owner)

Date

The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

27-328 Comprehensive Plan and Master Land Use Plan Amendment

27-328-1 Purpose

The Comprehensive Plan and associated neighborhood, corridor, area, and other functional plans may be revised or updated to reflect changes in the City of Fort Smith's growth, development, and planning policies. Revisions or updates may also be necessary to the Future Land Use Map based on changing neighborhoods or social demands. The Board of Directors may establish a schedule prescribing when and how frequently the Comprehensive Plan and relevant maps shall be amended.

27-328-2 Applicant

Proposed changes to the Comprehensive Plan and Master Land Use Plan may be initiated by the Board of Directors, Planning Commission, Director, a property owner or their agent, and any other interested property owner within the area proposed for a change.

27-328-3 Applicability

Amendments to the Comprehensive Plan and Master Land Use Plan shall be required in circumstances where the proposed rezoning does not conform to the Comprehensive Plan or Master Land Use Plan classification or in circumstances where the Planning Commission or Board of Directors has determined that the change is appropriate for planning purposes.

27-328-4 Pre-Application Conference

A pre-application conference is required pursuant to Section 27-302.

27-328-5 Determination of Type

A. Determination.

The Director shall determine whether the application is for a minor, standard, or major amendment.

B. Major Amendments.

Major amendments shall be submitted with a complete area plan for the subject property. At the discretion of the Director, standard amendments shall require a neighborhood, area, corridor, or other plan as appropriate.

C. Criteria.

The Director shall use the following criteria as guidelines for the classification of amendments:

Minor Amendment	Standard Amendment	Major Amendment
Property in single ownership.	Property in single or multiple ownership.	Property in single or multiple ownership.
Typically fewer than 10 acres in size.	Typically between 10 and 80 acres in size	Typically more than 80 acres in size.
No text amendment	Text amendments related to specific policies that govern subject property.	General text amendments.
Traffic generation at same level or less than existing classification	Traffic generation can be accommodated through new streets and/or minor improvements to existing streets	Traffic generation shall require substantial improvements to existing streets
No need for new or upgraded public infrastructure or services	New or upgraded public infrastructure or services paid by developer	New or upgraded public infrastructure shall service area larger than development at significant cost to community

27-328-6 Submission Requirements

The Planning Department shall provide an application form which specifies the information to be submitted. The application shall include the following:

A. Comprehensive Plan-Text Amendment Only

1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as “track changes”) format.
2. A description of the reasons supporting the amendment and the special circumstances requiring the change.

B. Comprehensive Plan-Master Land Use Plan Map Amendment

1. All applications
 - a. A legal description of the subject property for which the amendment is requested.
 - b. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property’s location.

- c.. The area dimensions of the property in square feet or acres.
 - d. The name, address, and telephone number of the applicant and property owner.
 - e. A description of the present use of the property, existing Comprehensive Plan/Master Land Use Plan classification, and the existing zoning classification, along with the same information for surrounding properties.
 - f. Identification of the new Comprehensive Plan/Master Land Use Plan classification.
 - g. A description of the existing road conditions and new roads to be included in the development and the effect of the proposed development on existing road and traffic conditions.
 - h. The source or method for providing utility/infrastructure services to the property.
 - i. A statement of the proposed density and maximum potential density (units per acre) permitted by the land use classification.
 - j. Identification of any known or anticipated environmental concerns.
 - k. A written description of the differences between the current and proposed designations.
2. Standard and Major Land Use Amendments
- a. All items required in Section 27-328-6(B)(1), above.
 - b. An analysis of the impact of the amendment on surrounding properties and plans in terms of:
 - (1) Potential changes to development patterns in terms of local and regional impact.
 - (2) Consistency of zoning between existing and planned uses, and
 - (3) Understanding of the need and demand for the proposed uses.
 - c. An analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner.

27-328-7 Application and Review Procedures – Comprehensive Plan Amendment and Master Land Use Plan Amendment

A. Determination of Completeness.

Applications shall be submitted to the Director for a determination of completeness pursuant to Section 27-303.

B. Neighborhood Meeting.

1. Minor Amendment. (Section 27-328-5 Determination of Type) The applicant shall comply with the requirements for a neighborhood meeting pursuant to Section 27-304.
2. Standard and Major Amendments. (Section 27-328-5 Determination of Type) In lieu of a neighborhood meeting, the applicant shall hold at least two public meetings within or near the subject area.
3. The Director shall establish general meeting requirements, including number, timing, and notice.

C. Planning Staff Review.

Following a determination of completeness, the Planning Staff shall review the application pursuant to Section 27-305.

D. Notice and Public Hearing.

After completion of the Planning Staff review and required neighborhood meetings the applicant shall be scheduled for a public hearing before the Planning Commission.

1. Public Notice shall be provided pursuant to Section 27-308.
 - a. Comprehensive Plan Text Amendment: Requires the following:
Published notice.
 - b. Master Land Use Plan for individual property: Requires the following:
(1) published notice, (2) mailed notice, (3) posted notice. This may also require a meeting notice as described above.
 - c. Master Land Use Plan for multiple properties: Requires the following:
(1) published notice, (2) posted notice. This may also require a meeting notice as described above.
2. The Planning Commission shall consider the criteria listed in Section 27-328-7(E), below, in making a recommendation.
3. Following the final hearing on an application to amend the Comprehensive Plan and Master Land Use Plan, the Planning Commission may recommend approval, approval as amended, or denial of the requests and shall prepare an accurate written summary of the proceedings for the Board of Directors. The Planning Commission may also table the application to a later date.
4. If the Planning Commission fails to make a recommendation on a Comprehensive Plan or Master Land Use Plan amendment request, the request shall default to a recommendation of denial.

E. Factors to be Considered.

Approval or denial of the Comprehensive Plan or Master Land Use Plan amendment shall be based upon consideration of the following factors:

1. Whether events after the Comprehensive Plan and Master Land Use Plan adoptions have changed the character and conditions of the area so as to make the application acceptable;
2. Whether the change is consistent with the goals, objectives, and policies of the Comprehensive Plan and with Master Land Use Plan amendments to corridor, neighborhood, or area plans;
3. Whether the City utilities and facilities infrastructure, (such as sanitary storm sewers, water lines, police/fire protection, parks and recreation, and roads) are adequate given the type, scope, and degree of development suggested by the proposed land use plan. If utilities are not available, a determination needs to be made whether they can be reasonably extended;
4. Whether the proposed amendment would allow for a change in development of the subject property without creating adverse impacts on existing or planned surrounding uses, or would create inconsistencies with planned future land use map patterns; and

F. Action by Board of Directors.

When the Planning Commission submits a recommendation to the Board of Directors and provides the reasons for such, the Board shall consider the criteria established in Sections 27-310-1 and 27-327(E) and may take any action consistent with Sections 27-310 and 27-311 including:

1. Approve the application;
2. Approve the application as amended;
3. Deny the application.
4. Where there is new material evidence received at the Board of Directors meeting that was not available to the Planning Commission, return the application to the Planning Commission for reconsideration based upon the new evidence; or
5. Where the Planning Commission has recommended denial of the application, the applicant may appeal the recommendation to the Board of Directors.

G. Appeal.

An appeal of the Board of Directors decision shall be made to a court of record having jurisdiction.

27-328-8 Incorporation

Changes to the Comprehensive Plan and Master Land Use Plans shall be incorporated into the official version of the documents as maintained by the Planning and Zoning Department. Amendments shall be identified by date and ordinance number for the purpose of later reference

27-302 Pre-Application Conference

27-302-1 When Required

A pre-application conference with the Planning and Zoning Department is required for certain development applications, as identified in Table 27-301.1 (Application Procedures) and indicated by the individual application type sections below. The purpose of the meeting is to:

- A. Review the requirements of the Unified Development Ordinance;
- B. Review the requirements of the Fort Smith Comprehensive Plan;
- C. Discuss the nature and design of the proposed development; and
- D. Discuss the development application review and approval process.

27-302-2 Timing The pre-application conference shall be held at least ten (10) days before the submission date unless otherwise specified by the Director. Applications must be submitted within six months of the conference date or a new conference shall be required.

27-302-3 Additional Parties As necessary, the Planning and Zoning Department may include representatives of other departments or agencies at the pre-application conference.

27-303 Application Requirements

27-303-1 Materials

Current development application with submittal requirement instructions is available from the Planning and Zoning Department. Most applications are also available on the City website. All materials submitted in support of a development application become part of the public record and are generally not returned to the applicant(s).

27-303-2 Technical Studies

The Director may require applicants to prepare additional technical studies in support of their applications for rezoning, planned rezoning or special use permits. The cost of the study shall be the applicant's responsibility. If the applicant disagrees with the Director's decision to provide additional technical studies, it may be appealed to the Planning Commission for a final decision. No further action shall be taken to process the development application until the Planning Commission makes a final determination on the appeal.

27-303-3 Deadlines

The Planning and Zoning Department has a list of submission and revision deadlines for the various development applications available at their office. This list is also available on-line at the City's website. Failure to submit a complete or revised application on or before the deadline shall result in the City not placing the application on the scheduled Planning Commission agenda.

27-303-4 Completeness

Within three (3) business days of submittal by the applicant, a member of the Planning Staff shall review the development application to ensure that it is complete.

A. When Complete.

An application is complete when all of the items required by the UDO and on the application form are prepared and/or answered, and any required supplemental or additional applications (e.g., comprehensive plan amendment) are submitted with the appropriate fees to the Planning and Zoning Department.

B. Return of Incomplete Applications.

Incomplete applications shall be returned to the applicant with a written description of the missing information, defects, or other problems. The Director shall take no further action on incomplete applications. Appeals of this determination are made to the Planning Commission, which is the final decision-making body. No further action shall be taken to process the application until after the Planning Commission's determination. Applications that have been returned to an applicant for revisions shall not be processed until such revisions have been determined to be complete by the Director.

A. Processing Complete Applications.

The applicant will be notified that the application is complete and processed in accordance with this Chapter.

B. Failure to Act.

If the Director fails to act within three (3) business days, the application shall be deemed complete.

C. Revisions Following Determination.

Following a determination of completeness, any further revisions to the application by the applicant without the approval of the Director, or modifications which are contrary to the directions of the Planning Commission or Board of Directors shall void the determination of completeness and trigger a new three (3) day review period. All processing of the application shall stop until a new, complete application has been filed.

D. Determination Not Substantive.

A determination of completeness shall not constitute a determination of compliance with the substantive provisions of the UDO.

27-303-5 Fee Schedule

Application fees shall be set in an amount to recover the costs of processing, publicizing, and reviewing development applications. The Board of Directors shall set the fee schedule, which shall be included as an appendix to this Code. The Board may periodically review and modify the fee schedule based on the cost changes associated with the development application.

27-304 Neighborhood Meeting

27-304-1 When Required

A neighborhood meeting is required for certain development applications, as identified in Table 27-201.1 (Application Procedures) and indicated in the individual application type sections below. When not required, applicants are encouraged by the Board of Directors, Planning Commission and Planning Staff to meet with property owners who may be affected by the proposed development.

27-304-2 Neighborhood Identification

Generally, the neighborhood shall include all parcels located within 300 feet of the boundaries of the parcel proposed for development, and any homeowners association, neighborhood association or merchants association registered with the Planning and Zoning Department and located within 300 feet of the parcel.

27-304-3 Meeting Arrangements

The applicant shall be responsible for providing a meeting location and conducting the meeting at a time and place reasonable to the residents of the neighborhood. Written notice of the location and time of the meeting shall be provided by the applicant to the Planning and Zoning Department and residents of the area defined as the neighborhood at least 14 days prior to the meeting.

27-304-4 Meeting Content

At the meeting, the applicant shall present a full and accurate description of the proposed development plans, describe projected impacts of development, describe plans to mitigate or off-set impacts, and facilitate a discussion of neighborhood questions and comments. The Planning Staff shall attend the meeting, but shall not be responsible for organizing the meeting or presenting information about the project.

27-304-5 Meeting Report

Following the neighborhood meeting, the applicant shall provide the Planning and Zoning Department with a mailing list of the people who attended the meeting and a written summary of the discussion and comments. All documents and materials which detail the proceedings of the neighborhood meeting shall become part of the public record for the development application and should be submitted to the Planning and Zoning Department.